

ESTTA Tracking number: **ESTTA453258**

Filing date: **01/26/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Sazerac Company, Inc.
Granted to Date of previous extension	02/22/2012
Address	3850 N. Causeway Blvd.Suite 1695 Metairie, LA 70002 UNITED STATES
Attorney information	Kathryn D. Duvall Cooley LLP 777 6th St., NW Suite 1100 Washington, DC 20001 UNITED STATES kduvall@cooley.com , trademarks@cooley.com

Applicant Information

Application No	85273137	Publication date	10/25/2011
Opposition Filing Date	01/26/2012	Opposition Period Ends	02/22/2012
Applicant	Anttila, Matti C. 340 Royal Poinciana Way, Suite 317/325 Palm Beach, FL 33480 UNITED STATES		

Goods/Services Affected by Opposition

Class 033. All goods and services in the class are opposed, namely: Alcoholic beverages except beers

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2700180	Application Date	06/21/2002
Registration Date	03/25/2003	Foreign Priority Date	NONE
Word Mark	CANADIAN HUNTER		

Design Mark	CANADIAN HUNTER
Description of Mark	NONE
Goods/Services	Class 033. First use: First Use: 1984/09/24 First Use In Commerce: 1984/09/24 WHISKY

U.S. Application No.	77610819	Application Date	11/10/2008
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	HUNTER		
Design Mark	HUNTER		
Description of Mark	NONE		
Goods/Services	Class 033. First use: Whiskey		

Attachments	76423689#TMSN.gif (1 page)(bytes) 77610819#TMSN.jpeg (1 page)(bytes) Sazerac_ Opposition_HUNTER BALTIMORE RYE_01262012.pdf (5 pages)(226611 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/KDD/
Name	Kathryn D. Duvall
Date	01/26/2012

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of application Serial No. 85/273,137
For the Trademark HUNTER BALTIMORE RYE
Published in the Official Gazette on October 25, 2011

SAZERAC COMPANY, INC.)	
)	
)	
Opposer,)	
)	
v.)	Opposition No.
)	
MATTI C. ANTILA)	
)	
Applicant.)	
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NOTICE OF OPPOSITION

Opposer Sazerac Company, Inc. ("Sazerac"), a Louisiana corporation having its principal place of business at 3850 N. Causeway Blvd., Suite 1695, Metairie, LA 70002, will be damaged by the issuance of a registration for the mark HUNTER BALTIMORE RYE (the "Applicant's Mark"), as applied for in Application Serial No. 85/273,137 filed on March 22, 2011 by Applicant Matti C. Anttila ("Applicant").

As grounds for opposition, Sazerac alleges:

1. Sazerac is a company that markets and sells a number of different types and brands of alcoholic beverages and distilled spirits, including vodkas, whiskeys and tequilas. Sazerac has marketed and sold alcoholic beverages and distilled spirits in the United States for over a century.

2. Sazerac owns the following registration and pending application in the United States:

CANADIAN HUNTER (Registration No. 2,700,180), issued March 25, 2003 for whisky;
and

HUNTER (Ser. No. 77/610,819), filed November 10, 2008 for whiskey
(collectively, "HUNTER Marks").

3. Sazerac, through its predecessors-in-interest, has consistently and continually distilled, marketed, sold or otherwise distributed whisky under the CANADIAN HUNTER mark since September 1984. By virtue of its efforts and the efforts of its predecessors-in-interest, and by virtue of the high quality of whisky and other distilled spirits, the public has come to know, rely on, and recognize the CANADIAN HUNTER mark as source identifiers for Sazerac's whisky products. Sazerac has gained valuable reputation and a substantial amount of goodwill through the use and recognition of its CANADIAN HUNTER mark.

4. In addition to the longstanding use and recognition of its CANADIAN HUNTER mark, Sazerac's CANADIAN HUNTER mark is inherently distinctive. The CANADIAN HUNTER mark is arbitrary as applied to whisky and is not descriptive or suggestive of the nature or characteristics of the applicable goods.

5. Upon information and belief, Sazerac alleges that on March 22, 2011 Applicant filed an Application to register the mark HUNTER BALTIMORE RYE on an intent-to-use basis (Section 1(b)). Applicant seeks registration in connection with "alcoholic beverages except beers."

6. Applicant's Mark is likely to be confused with and mistaken for Sazerac's HUNTER Marks because Applicant's Mark is confusingly similar in sight, sound, and meaning

to Sazerac's HUNTER marks; Applicant's mark consists of the identical term "HUNTER" as the first and dominant component of the mark. The additional components of Applicant's mark, "BALTIMORE" and "RYE", are merely descriptive of Applicant's recited goods, and have been disclaimed by Applicant. On information and belief, the "BALTIMORE" component is merely geographically descriptive of the origin of Applicant's goods. The "RYE" component of Applicant's Mark is a generic term for the type of whiskey Applicant intends to market and sell under Applicant's Mark. Similarly, Sazerac disclaimed the "CANADIAN" component from its CANADIAN HUNTER mark as descriptive of the geographic origin of its whisky products. Thus, "HUNTER" is the dominant mark component shared by both Applicant's Mark and Sazerac's HUNTER Marks.

7. If Applicant's Mark is allowed to register a likelihood of confusion will be created for consumers of alcoholic beverages. Applicant's Mark will be used in connection with products that are identical to Sazerac's products, namely, whisky. The relevant consumers and customers of Applicant's alcoholic beverage products are identical to the customers of Sazerac's alcoholic beverages and distilled spirits products, including whisky.

8. In addition to overlapping consumer bases, Applicant's intended channels of trade for its alcoholic beverage products will overlap with the channels of trade of Sazerac's alcoholic beverages and distilled spirits products, including whisky, namely, restaurants, bars, and brick-and-mortar as well as online retail stores.

9. If Applicant is permitted to register its HUNTER BALTIMORE RYE mark for the goods specified in the Application herein opposed, confusion resulting in damage and injury to Sazerac would likely occur. Persons familiar with Sazerac's marks would likely perceive

Applicants' products as associated or affiliated with or sponsored by Sazerac. Such confusion would inevitably result in damage to Sazerac.

10. Customers of Sazerac's products and the relevant public are likely to misapprehend Applicant's Mark as a Sazerac mark and/or believe in error that goods offered under the HUNTER BALTIMORE RYE mark are offered by or in association with or under license from Sazerac.

11. Any defect, objection to or fault found with Applicant's goods marketed under the HUNTER BALTIMORE RYE mark would necessarily reflect on and seriously injure the reputation that Sazerac has established for its alcoholic beverages and distilled spirits.

12. Registration of Applicant's Mark would give Applicant *prima facie* evidence of the validity and ownership of Applicant's Mark and of Applicant's exclusive right to use Applicant's Mark, all to the detriment of Sazerac.

13. Wherefore, Sazerac prays that this Opposition be sustained and that Application Serial No. 85/273,137 be denied and refused registration.

COOLEY LLP

Date: January 26, 2012

By: Kathryn D. Duvall


Kathryn D. Duvall, Esq.
Todd S. Bontemps, Esq.
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CERTIFICATE OF SERVICE

I hereby certify that on January 26, 2012 I mailed the foregoing NOTICE OF OPPOSITION regarding Sazerac Company, Inc. v. Matti C. Anttila to Applicant (also identified as correspondent of record) by depositing a true and correct copy of the same with the United States Postal Service, first class mail, postage prepaid, in an envelope addressed to:

Matti C. Anttila
340 Royal Poinciana Way, Ste 317325
Palm Beach, Fl 33480-4048

Date: January 26, 2012



Kathryn D. Duvall